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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
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13 JOSE NEFTALI CRUZ-VALDEZ,
14 Defendant-Petitioner,
15 v.
16 UNITED STATES OF AMERICA,
17 Respondent.
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CASE NO. 11-CV-2011 W
11-CR-1559 W

**ORDER DENYING
PETITION FOR WRIT OF
HABEAS CORPUS [DOC. 23]**

19 Pending before the Court is Petitioner Jose Neftali Cruz-Valdez's Motion for
20 Time Reduction by an Inmate in Federal Custody Under 28 U.S.C. § 2255 (the
21 "Petition" [Doc. 23]). Petitioner is proceeding pro se. Respondent United States of
22 America ("Respondent") opposes. Petitioner did not file a response.

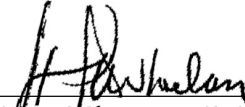
23 The Court has reviewed the Petition and Respondent's Opposition, as well as the
24 relevant docket records. The record establishes that on May 27, 2011, Petitioner
25 entered into a fast-track Plea Agreement, and waived both his right to appeal and
26 collaterally attack his conviction and sentence. (*Plea Agreement* [Doc. 14]¶ 11.) The
27 Petition does not raise any challenge to the validity of that waiver. Additionally, having
28 reviewed the Plea Agreement, the Court finds that Petitioner knowingly and voluntarily

1 waived his right to appeal and collaterally attack his sentence. This Court, therefore,
2 lacks jurisdiction to consider any collateral challenge to his conviction and sentence.
3 See Washington v. Lampert, 422 F.3d 864 F.3d 864, 869–70 (9th Cir. 2005)
4 (recognizing that if sentencing stipulation’s waiver of the right to file a federal habeas
5 petition was valid, district court lacked jurisdiction to hear the case).

6 Accordingly, the Court **DENIES** the Petition [Doc. 23].

7 **IT IS SO ORDERED.**

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9 **DATED: April 11, 2013**

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12 Hon. Thomas J. Whelan
13 United States District Judge
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